

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**NOEL REYES-MAURO,**

Petitioner,

v.

**BRIGITTE AMSBERRY**, Superintendent,  
EOCI,

Respondent.

Case No. 2:14-cv-0802-SB

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on November 20, 2015. Dkt. 41. Judge Beckerman recommended that Petitioner’s habeas corpus petition be denied, but that a Certificate of Appealability be granted on the issue of whether the violation of Petitioner’s Sixth Amendment right to confront witnesses was harmless.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

Petitioner timely filed an objection. Dkt. 43. Petitioner generally objected to the Findings and Recommendation and relied on Petitioner’s previous briefing before Judge Beckerman. Respondent did not file a response to Petitioner’s objection. The Court has reviewed *de novo* Judge Beckerman’s Findings and Recommendation, as well as all of the briefing before Judge Beckerman. The Court agrees with Judge Beckerman’s reasoning and ADOPTS the Findings and Recommendation.

### **CONCLUSION**

The Court **ADOPTS** Judge Beckerman’s Findings and Recommendation, Dkt. 41. Petitioner’s habeas corpus petition (Dkt. 2) is DENIED. The Court issues a Certificate of Appealability on the issue of whether the violation of Petitioner’s Sixth Amendment right to confront witnesses was harmless. *See* 28 U.S.C. § 2253(c)(2).

**IT IS SO ORDERED.**

DATED this 23rd day of December, 2015.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge